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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,820	06/30/1999	LYNN Y. SHIMADA	13065.36.1.1	1703
21999	7590	11/03/2004	EXAMINER	
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			BASHORE, ALAIN L	
		ART UNIT		PAPER NUMBER
		3624		
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	M
	09/345,820	SHIMADA, LYNN Y.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alain L. Bashore	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 16 July 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 10-14 and 17-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 10-14 and 17-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 10 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The term "dynamic" does not appear to be used *per se* in applicant's originally filed specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Thomson et al in view of Anderson et al in view of Heindel et al in further view of Abe.

Kolling et al discloses a system configured to electronically initiate a payment to an amount owed to a vendor from a customer computer system regardless of whether the vendor utilizes an electronic payment technology. A user computer system includes an electronic accounting application (col 14, lines 36-38). An electronic payment file is generated by and transmitted from the customer computer system to pay an amount owed to a biller (col 15, lines 55-67; col 16, lines 1-6). The term "biller" is understood to encompass a vendor.

A third-party electronic payment processing center (102) is electronically coupled to the user computer system so as to receive the electronic payment file from the user computer system and an ACH file generated by the third-party electronic payment processing center from the electronic payment file to effectuate payment of the amount owed to the vendor responsive to the electronic payment file received when electronic payment technology is available (18). A financial institution has a financial account corresponding to the vendor, wherein the financial institution is electronically coupled to the third party electronic payment processing center to receive the ACH file (fig 3).

Kolling does not disclose:

receiving the electronic payment of the amount owned to the vendor regardless of whether the vendor utilizes an electronic payment technology through electronic payment when available and through a printed check when no electronic payment technology is available;

receiving electronic print data at the local electronic payment processing interface from the electronic accounting application;

a printing device to effectuate payment;

a single electronic payment file comprising specific invoice and check information as recited in claims 14 and 20;

using the print data to selectively generate an electronic payment file at the local electronic payment processing interface; and,

print data that is "dynamic" (understood as: being continuously changeable).

Anderson et al discloses effectuating payment of the amount owned to the vendor regardless of whether the vendor utilizes an electronic payment technology

through electronic technology when available and through a printed check when no electronic payment technology is available (col 13, lines 4-6).

It would have been obvious to one with ordinary skill in the art to effectuating payment of the amount owned to the vendor regardless of whether the vendor utilizes an electronic payment technology through electronic technology when available and through a printed check when no electronic payment technology is available because of what is taught by Anderson et al. Anderson et al teaches set-up requirements for vendor interaction (col 12, line 49).

Thomson et al discloses a printing device (fig 3) and combining specific invoice and check information as recited in claims 14 and 20 (fig 1a). Thomson et al also discloses receiving electronic print data at a local electronic payment processing interface from an electronic accounting application (col 7, lines 1-30).

It would have been obvious to one with ordinary skill in the art to include a single electronic payment file comprising specific invoice and check information as recited in claims 20 and 24 because of what is taught by Thomson et al. Thomson et al teaches that incorporation of all information into one entity allows for increased efficiency (col 4, line 68; col 5, lines 1-4).

It would have been obvious to one with ordinary skill in the art to include a printing device to effectuate payment because Kolling teaches that invoices may be mailed (copl 15, lines 55-56).

It would have been obvious to one with ordinary skill in the art to include receiving electronic print data at a local electronic payment processing interface from an electronic accounting application because Thomson et al teaches formatting required from data files for printing purposes (col 7, lines 26-27).

Heindel et al discloses using the print data to selectively generate an electronic file (col 7, lines 15-27).

It would have been obvious to one with ordinary skill in the art to include using the print data to selectively generate an electronic payment file at the local electronic payment processing interface because Heindel et al teaches certain payment processing interfaces require print data translation for file capture to allow electronic payment capability (col 7, line 19).

Abe discloses print data that is dynamic (see abstract).

It would have been obvious to one with ordinary skill in the art to include using print data that is dynamic because Abe teaches that different application software require different inputs (col 1, lines 26-36).

5. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al in view of Thomson et al in view of Anderson et al in further view of Heindel et al as applied to claim 10 and 18 above, and further in view of Ferguson et al.

Kolling et al, Anderson et al, Thomson et al, Heindel et al, or Abe explicitly disclose an ASCII text data format as recited in claims 21 and 25.

Ferguson et al discloses ASCII text data format (col 1, lines 41-50).

It would have been obvious to one with ordinary skill in the art to include ASCII text data formats because Ferguson et al teaches such formats as known in the art as conductive for reading purposes (col 1, lines 45-47).

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore  
Primary Examiner  
Art Unit 3624